

Legal Sub-Group

8:30-9:30 am

Wednesday, January 16, 2012

Item Building

167 Point Street

Providence, RI 02908

Agenda

1. The meeting began very late as there was a snow storm and traffic caused many to be late.
2. Attorney General's Office – Martha Crippen, Elder Abuse Unit
 - a. Martha shared an overview of how the Attorney General's office interacts with the senior population and get involved with elder abuse prosecution. The unit was created statutorily in 2005 and set a minimum staff of 3; the unit currently has a prosecutor, an investigator and partial time paralegal.
 - b. There are community advocates in every police department (great resource for families/elder advocates dealing with dementia) and the AG's office offers multiple trainings to officers.
 - c. The Elder Abuse unit is the smallest within the AG's office and deals with financial abuse, fraud and neglect. If there is an instance of physical abuse and the victim is a Medicaid patient, that will go through the Medicaid fraud unit.
 - d. They often run into challenges in prosecuting crimes involving individuals with dementia as they are not competent to stand trial. If there is insufficient circumstantial evidence to move forward with a prosecution, there are a few options, including working with the family to change the situation, reporting to the Alliance for Better Long Term Care (the state's ltc ombudsman), and using social workers through DEA to intervene. The Alliance can only get involved, however, if the person does not have home care or hospice involved, they cannot go into the home and get involved.

- i. The Alliance, in turn, often sends its cases to the Department of Health. They also often work with DEA, the AG and the police advocates.
- e. DOH also has a screening unit and can refer cases to the Medicaid Fraud and Abuse unit.
- f. There is some small level of reporting to the AG's office from banks who notice irregular financial activity that may constitute abuse.
- g. They're also aware of some reports from siblings and can send out a police officer for a well visit.
- h. Essentially, if DEA brings suspicion to the AG's Office, they're able to take it from there and refer out to the appropriate agency for follow-up.
- i. One challenge is that the trainings offered by the AG were grant funded (federal) and are no longer available. There will need to be another source identified for funding for these trainings. They're typically 2 days long and are facilitated through Day One.
- j. Martha did not feel there were any challenges with the statute or any changes they would recommend. There were enhanced penalties for financial exploitation in 2008 which were a great addition. Staffing and resources are needed:
 - i. Another investigator
 - ii. Dedicated paralegal (benefit of triage)
 - iii. First responders and law enforcement need additional training on dementia and what to look for and how to investigate initially to build a case with law enforcement (need a sponsor, should be offered a few times a year)
 - iv. Support for ongoing work with the Police Academy (last 2 years)
 - v. Training for judges should be offered

3. Next Steps

- a. Upcoming meeting with DMV
- b. *Follow-Up*: RWU Law - Public Service Student Involvement